

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------------------|---|--------------|
| DEON C. STAFFORD | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| DONALD T. VAUGHN (SUPERINTENDENT): | : | |
| MANNY ARROYO (DEPUTY | : | |
| SUPERINTENDENT), DAVID | : | |
| DIGUGLIELMO (DEPUTY | : | |
| SUPERINTENDENT), GEORGE HILTNER | : | |
| (SUPERVISOR MAINTENANCE), MRS. | : | |
| KNAUER (ADMINISTRATION | : | |
| SUPERVISOR), MR. MCSURDY (FIRE | : | |
| INSPECTOR SUPERVISOR) | : | NO. 02-3790 |

ANSWER AND AFFIRMATIVE DEFENSES OF COMMONWEALTH DEFENDANTS

Commonwealth defendants Vaughn, Arroyo, DiGuglielmo, Hiltner, Knauer and McSurdy respond as follows to plaintiff's complaint:

I. Caption

Admitted. By way of further answer, the correct spelling of the Corrections Health Care Administrator is Knauer, not Knaur and the correct spelling of the Fire Inspector is McSurdy, not Mscurdy.

II. Parties

Admitted that plaintiff is under the care, custody and control of the Department of Corrections ("DOC") at the State Correctional Institution ("SCI") at Graterford. Admitted that defendant Vaughn was the Superintendent, Arroyo and DiGuglielmo were Deputy Superintendents, Hiltner was the Facilities Maintenance Manager, Knauer (incorrectly referred to as "Knaur") was the Corrections Health Care Administrator, and that McSurdy (incorrectly referred to as "Mscurdy") was the Fire Inspector Supervisor at the time of the events alleged in the complaint.

III. Previous Lawsuits

Denied in that defendants lack sufficient knowledge and information to form a belief as to the truth of these allegations.

IV. Administrative Remedies

Denied. Plaintiff has failed to exhaust his administrative remedies. Remaining factual allegations are denied.

V. Statement of the Claim

Denied that plaintiff was refused medical care. Denied in that it is impossible to tell from the allegations whether the communications plaintiff allegedly had with Commonwealth defendants about the stairs were held before or after the alleged fall. Remaining factual allegations are denied in that defendants lack sufficient knowledge and information to form a belief as to the truth of plaintiff's remaining factual allegations.

VI. Relief

Remaining factual allegations are denied and conclusions of law require no response.

AFFIRMATIVE DEFENSES

1. Commonwealth defendants are entitled to immunity from plaintiff's federal law claims.
2. At all times relevant hereto, any actions taken by the Commonwealth defendants were taken within the scope of their authority and in good faith.
3. Plaintiff consented to any actions or inaction by the defendants that plaintiff now claims caused his loss.
4. All allegations against Commonwealth defendants in their official capacity are moot.
5. Plaintiff has failed to exhaust his administrative remedies.
6. Plaintiff has denied during the pretrial conference that he alleges any state law claims.

To the extent that plaintiff asserts any state law claims, said claims are barred by sovereign immunity, are subject to 42 Pa.C.S.A. § 8528; and defendants are entitled to the defenses in 42 Pa.C.S.A. § 8524.

7. Plaintiff's claim for injunctive relief is moot and overbroad.
8. Plaintiff fails to state a claim upon which relief may be granted.

WHEREFORE, answering defendants request this Court to grant judgment in their favor and against plaintiff.

GERALD J. PAPPERT
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
Patrick J. McMonagle
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Susan J. Forney
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Chief, Litigation Section

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CERTIFICATE OF SERVICE

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendants' Answer was filed electronically and is available for viewing and downloading from the ECF system. I further certify that a true and correct copy of said document was mailed on March 15, 2004, postage prepaid, to:

Deon Stafford, DD-4637
State Correctional Institution at Graterford
P.O. Box 244
Graterford, PA 19426

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